

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 6/20/08

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 EXECUTIVE RISK INDEMNITY INC., :  
 Plaintiff, :  
 : 08 Civ. 1822 (DLC)  
 -v- :  
 : ORDER  
 WESPORT INSURANCE CORPORATION, :  
 Defendant. :  
 :  
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DENISE COTE, District Judge:

This action was removed from the New York Supreme Court, New York County, by Notice of Removal filed February 22, 2008. For reasons discussed on the record at the conference held today, June 10, 2008, it is hereby

ORDERED that intervenor-plaintiff Pepper Hamilton's May 19, 2008 motion to intervene is granted. Pepper Hamilton's application for leave to file its complaint in intervention is also granted.

IT IS FURTHER ORDERED that Pepper Hamilton's motion to dismiss shall be construed as a motion to remand. The motion to remand is granted. The Clerk of Court shall close this federal action and remand the action to state court.

SO ORDERED:

Dated: New York, New York  
June 20, 2008

  
DENISE COTE  
United States District Judge